

Exhibit "A"

November 16, 2005

Mayor & City Council
County-City Building
Lincoln, Nebraska 68508

RE: Report of Claims Against the City of Lincoln for November 1 through November 15, 2005

Dear Mayor & Council:

The following is a report of claims against the City of Lincoln which have been disposed of, or are pending, for the period of November 1 through November 15, 2005. This report will describe the claims and the dispositions or status of these claims.

ALLOWED/SETTLED CLAIMS:

State Farm Insurance (Claim No. 27-7708-188/Christine Gillespie, Insured) filed a subrogation claim during the month of August, 2005, in the amount of \$3,575.73 for damage incurred to insured's vehicle as the result of an accident involving a Public Works vehicle. The subrogation claim of State Farm Insurance was previously denied by resolution adopted by the City Council on September 19, 2005. Counsel for Christine Gillespie filed a claim on October 20, 2005, in the amount of \$3,677.56. Upon further review, the claims of State Farm Insurance and Christine Gillespie have been **allowed** in the amount of \$3,677.56.

James L. Wortman/J&M Foundations filed a claim during the month of August, 2005, in an unspecified amount for damages incurred as the result of an accident involving a Public Works vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$2,000.

Melissa Eckert filed a claim during the month of August, 2005, in an unspecified amount for alleged injury incurred while claimant was a passenger on a StarTran bus. This claim has been reviewed by this office and has been **settled** in the amount of \$5,000.

Stacy Mueller filed a claim during the month of August, 2005, in an unspecified amount for damages incurred as the result of an accident involving a Lincoln police vehicle. **Motor Club Insurance Association** filed a subrogation claim in the amount of \$1,315.00 for medical expenses paid on behalf of its insured, Stacy Mueller, resulting from the accident. The claim of Stacy Mueller has been **settled** in the amount of \$794.20 and the claim of Motor Club Insurance Association has been **allowed** in the amount of \$1,315.00.

Dorothy Porath filed a claim during the month of August, 2005, in the amount of \$1,252.38 for medical expenses incurred on behalf of her minor daughter, **Sarah Porath**, who was a passenger in a vehicle that was involved in an accident with a Parks & Recreation vehicle. This claim has been reviewed by this office and has been **allowed** in the amount of \$1,252.38.

Teri Chambers filed a claim during the month of August, 2005, in the amount of \$1,420.61 for medical expenses incurred on behalf of her minor daughter, **Aivree Chambers**, who was a passenger in a vehicle that was involved in an accident with a Parks & Recreation vehicle. This claim has been reviewed by this office and has been **allowed** in the amount of \$1,420.61.

Jessica Bixenmann filed a claim during the month of October, 2005, in the amount of \$1,639.28 for damage incurred to vehicle as the result of an accident involving a Lincoln police vehicle. This claim has been reviewed by this office and has been **allowed** in the amount of \$1,639.28.

Jack Peters filed a claim during the month of November, 2005, in the amount of \$310.09 for damage incurred to vehicle when it was struck by a Public Works truck. This claim has been reviewed by this office and has been **allowed** in the amount of \$310.09.

Michael and Judy McMeekin filed a claim during the month of November, 2005, in the amount of \$329.18 for damage incurred to vehicle when it was struck by a City-owned vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$329.18.

Jeffrey Needels filed a claim during the month of November, 2005, in the amount of \$531.30 for damage incurred during water meter installation. This claim has been **allowed** in the amount of \$531.30.

DENIED CLAIMS:

Kevin and Lauren Connick filed a claim during the month of July, 2005, in an unspecified amount for expenses incurred for repair of sanitary sewer service line which was required due to improper connection to the main during a utility line construction project. This claim has been referred to the contractor for the construction project and therefore the claim against the City of Lincoln is **denied**.

Edward Weisser filed a claim during the month of September, 2005, in the amount of \$116.00 for damage incurred to sprinkler system as the result of a repaving project in 2003. This claim has been reviewed by this office and has been **denied**.

Amy Best filed a claim during the month of October, 2005, in the amount of \$442.25 for damage allegedly incurred to driveway as the result of a curb and gutter repair project. This claim has been reviewed by this office and has been **denied**.

Transport Plus filed a claim during the month of October, 2005, in an unspecified amount for damage incurred to windshield of vehicle when it was struck by a rock that allegedly fell from a Parks & Recreation truck. This claim has been reviewed by this office and has been **denied**.

Alexa Duffy filed a claim during the month of November, 2005, in the amount of \$1,072.69 for damage allegedly incurred to vehicle when struck by a "black metal" object that came from underneath the bumper of a StarTran bus as the claimant's vehicle was following the bus. This claim has been reviewed by this office and has been **denied**.

PENDING CLAIMS:

State Farm Insurance Company (Richard D. Scholl, Insured) filed a subrogation claim during the month of January, 2004, for expenses incurred as the result of a motor vehicle accident involving a vehicle driven by Tammy Scholl and a Lincoln police vehicle. **Tammy J. Scholl** filed a claim during the month of August, 2004, in an unspecified amount for injuries incurred as the result of the accident with the police vehicle. These claims are under review and **pending**.

Fred Fleming filed a claim during the month of September, 2004, in an unspecified amount for damage incurred to his driveway as the result of a water main break. This claim is under review and is **pending**.

Brainard HVAC, Inc. filed a claim during the month of January, 2005, for damages incurred as the result of an accident involving a StarTran bus. The property damage portion of this claim has been **settled** in the amount of \$20,500. The injury portion of this claim is **pending**.

Eric Kowalski filed a claim during the month of May, 2005, in the amount of \$200 for damage incurred to tire as the result of a pothole. This claim is under review and is **pending**.

Maria Arellano filed a claim during the month of June, 2005, in the amount of \$660.24 for damage allegedly incurred to her vehicle as the result of an accident involving a City vehicle. This claim is under review and is **pending**.

Troy and Shari Stonacek filed a claim during the month of July, 2005, in an unspecified amount for alleged damages incurred due to alleged failure to provide claimants with proper base flood elevations prior to construction of claimants' home. This claim is under review and is **pending**.

George and Lori Bristol filed a claim during the month of July, 2005, in an unspecified amount for alleged damages incurred due to alleged failure to provide claimants with proper base flood elevations prior to construction of claimants' home. This claim is under review and is **pending**.

Thomas and Amy Banderas filed a claim during the month of July, 2005, in an unspecified amount for alleged damages incurred due to alleged failure to provide claimants with proper base flood elevations prior to construction of claimants' home. This claim is under review and is **pending**.

Bradley and Jennifer Sheaff filed a claim during the month of July, 2005, in an unspecified amount for alleged damages incurred due to alleged failure to provide claimants with proper base flood elevations prior to construction of claimants' home. This claim is under review and is **pending**.

Ettamae Branstetter filed a claim during the month of July, 2005, in an unspecified amount for injury incurred when the automated door at the Eisley Library struck her causing her to fall. This claim is under review and is **pending**.

Courtney Wrick filed a claim during the month of August, 2005, in an unspecified amount for damages incurred as the result of an accident involving a Parks & Recreation van. The property damage claim was settled by the Risk Management Office in the amount of \$3,500. The personal injury portion of this claim is **pending**.

Richard Kister filed a claim during the month of August, 2005, in an unspecified amount for damages incurred as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

American Family Insurance Group (Claim No. 00-071-423264-0422/Shannon Johnson, Insured) filed a subrogation claim during the month of August, 2005, in an unspecified amount for damages incurred as the result of an accident involving insured's vehicle and a Lincoln police vehicle. This claim is under review and is **pending**.

Kelly Spellman and Amy Warner Spellman filed a claim during the month of September, 2005, in the amount of \$7,672.72 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Thomas and Carol Beran, husband and wife, individually, and as natural guardians and next friend of Brady Beran, filed a claim during the month of September, 2005, in an unspecified amount. Claimants allege that as a result of acts and omissions of the City, injuries that Brady Beran incurred during a high school football game were not promptly treated and that the delayed treatment caused exacerbated injuries. This claim is under review and is **pending**.

Zane Schulte filed a claim during the month of September, 2005, in the amount of \$30,000 for alleged injury incurred as the result of a motor vehicle accident involving a police vehicle. This claim is under review and is **pending**.

Charles and Kristina Teeters filed a claim during the month of October, 2005, for damages incurred as the result of an accident involving a StarTran bus. The property damage claim was settled by the Risk Management Office in the amount of \$2,879.16. The personal injury portion of this claim is **pending**.

Dominick Elsener filed a claim during the month of October, 2005, in the amount of \$90.95 for expense incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Jim and Pat Schrier filed a claim during the month of November, 2005, in the amount of \$980.26 for expense incurred for repair of water service. Claimants allege that reconnection of water service was improperly installed during South Street paving project in 2003. This claim is under review and is **pending**.

Margaret Wehr filed a claim during the month of November, 2005, in the amount of \$2,680.08 for damages incurred as the result of a water main break. This claim is under review and is **pending**.

Lillian Irene Gembler filed a claim during the month of November, 2005, in the amount of \$4,355,000 for injuries incurred when claimant was struck by a vehicle as she was walking in the crosswalk at 11th & "O" Street. The vehicle that struck claimant is owned by the City of Lincoln and was being driven by an employee of the Downtown Lincoln Association. This claim is under review and is **pending**.

Irene Hraban filed a claim during the month of November, 2005, in the amount of \$250,000 for alleged injury incurred when claimant was a passenger in a vehicle involved in a motor vehicle accident. The driver of the vehicle in which claimant was a passenger was a "paid Senior Companion in the employ of the Lincoln Area Office on Aging". This claim is under review and is **pending**.

Paul Marshall and Larry Brown filed a claim during the month of November, 2005, in the amount of \$862.50 for water damage incurred as the result of a North 48th Street improvement project. This claim is under review and is **pending**.

Pat and Chad Krause filed a claim during the month of November, 2005, in the amount of \$425.86 for expenses incurred as the result of sanitary sewer back-ups. This claim is under review and is **pending**.

Magdalena Krynsky filed a claim during the month of November, 2005, in the amount of \$126.43 for damage incurred to sprinkler system, plants, and flowers as the result of a street repair project. This claim is under review and is **pending**.

Laurie Colburn filed a claim during the month of November, 2005, in the amount of \$3,925.56 for damages incurred as the result of a water main break. This claim is under review and is **pending**.

Sonda McClellen filed a claim during the month of November, 2005, in an unspecified amount for damage allegedly incurred to vehicle as the result of a street repair project. This claim is under review and is **pending**.

Rochelle Reese filed a claim during the month of November, 2005, in the amount of \$2,463.70 for damage incurred to vehicle when it was struck by a Public Works grader. This claim is under review and is **pending**.

Patricia Anderson filed a claim during the month of November, 2005, in the amount of \$337.66 for damage incurred to vehicle as the result of an accident involving a StarTran bus. This claim is under review and is **pending**.

PENDING TORT LITIGATION:

Sandra Mueller filed a claim during the month of January, 2003, in the amount of \$650,000 for alleged damages incurred as the result of an alleged incident involving a vehicle operated by a Lincoln Electric System employee. Sandra Mueller's husband, **Duane Mueller**, has filed a claim in the amount of \$250,000 for alleged damages incurred as a result of the alleged incident. These claims were referred to counsel for Lincoln Electric System. A suit was filed in the Lancaster County District Court on August 5, 2003.

Litigation is **pending**.

James Blake filed a claim during the month of March, 2002, in the amount of \$10,139.77 for injury incurred when claimant fell into a water meter pit. This claim was reviewed by this office and denial of this claim was approved by the City Council on April 29, 2002. A suit was filed in the Lancaster County District Court naming Kwik Shop, Inc., Lincoln Lease Partners, and the City of Lincoln as Defendants. Litigation is **pending**.

Suzanne Cain filed a claim during the month of July, 2003, in the amount of \$500,000 for injury allegedly incurred as the result of a trip and fall on sidewalk. This claim was reviewed by this office and denial of this claim was approved by the City Council on February 2, 2004. **American International Recovery, Inc. (Omni Behavioral Health, Insured)** filed a subrogation claim during the month of April, 2003, for workers compensation benefits paid on behalf of the insured's employee, Suzanne Cain, as a result of her trip and fall accident. This claim was reviewed by this office and denial of this claim was approved by the City Council on February 23, 2004. A suit was filed in the Lancaster County District Court on March 10, 2004, naming Gold's Limited Partnership and City of Lincoln, Nebraska as Defendants and Omni Behavioral Health, Inc. and American International Recovery, Inc. as Third-Party Defendants. Litigation is **pending**.

Neil and April Kringle and Neil and April Kringle on behalf of their minor child, Blake Kringle, filed a claim during the month of May, 2002, in the amount of \$1,000,000 for damages allegedly incurred when Blake Kringle fell off of his bicycle and into a culvert. This claim was reviewed by this office and denial of this claim was approved by the City Council on May 12, 2003. A suit was filed in the Lancaster County District Court on March 12, 2004. Litigation is **pending**.

Ricky Austin filed a claim during the month of December, 2003, in the amount of \$500,000 for alleged injury incurred while claimant was in police custody in the back seat of a police vehicle when it was rear-ended by another police vehicle. This claim was withdrawn by counsel for the claimant on June 8, 2004, and a suit was filed in the Lancaster County District Court on June 11, 2004. Litigation is **pending**.

Barbara and Arthur Poppe filed a claim during the month of November, 2003, in the amount of \$1,000,000 in connection with the death of their daughter, Heather Poppe, as the result of a motor vehicle accident involving a vehicle that was driven by a Robin Siefker. Claimants allege that Lincoln police had been notified that Mr. Siefker was likely to be a danger to himself or others, and therefore, claimants allege that Mr. Siefker should have been in police custody at the time of the accident. This claim was reviewed by this office and denial of this claim was approved by the City Council on December 5, 2003. A suit was filed in the Lancaster County District Court on November 24, 2004. On February 14, 2005, the Court sustained the City of Lincoln's motion to dismiss. Plaintiff has appealed. Litigation is **pending**.

Allied Insurance (Claim No. 26E29478/Allan Albers, Insured) filed a claim during the month of March, 2004, in the amount of \$1,685.50 for damage incurred to insured's vehicle as the result of an accident involving a City street sweeper. This claim was reviewed by this office and denial of this claim was approved by the City Council on December 6, 2004. A suit was filed in the Lancaster County Court on February 28, 2005. Litigation is **pending**.

Donna Lilly and Michael Lilly filed a claim during the month of September, 2004, against the City of Lincoln, Lancaster County, and the Public Building Commission in the amount of \$1,000,000 for alleged damages incurred as the result of injuries Donna Lilly sustained when she allegedly slipped and fell on the steps of the County/City Building, which claimant alleges were ice and snow-covered. The claim against the City of Lincoln was reviewed by this office and denial was approved by the City Council on September 27, 2004. A suit was filed in the Lancaster County District Court on March 23, 2005, naming the Public Building Commission, Lancaster County, and the City of Lincoln as Defendants. Plaintiffs are seeking special damages in the amount of \$34,000 and general damages. Litigation is **pending**.

Roberto Mancilla, Rubia Menendez, and David Mancilla Menendez filed a claim during the month of May, 2004, in an unspecified amount for damages incurred as the result of a motor vehicle accident involving a Lincoln police vehicle. A suit was filed in the Lancaster County District Court on April 28, 2005, naming Lincoln Police Officer Champoux and the City of Lincoln as Defendants. Plaintiffs are seeking special damages in the amount of \$21,872.55, future medical expenses, and general damages for pain and suffering. Litigation is **pending**.

Fleet Systems, Inc./William F. Dugan filed a claim during the month of September, 2004, in the amount of \$1,705.65 for damage incurred to vehicle as the result of an accident involving a StarTran bus. This claim was reviewed by this office and denial of this claim was approved by the City Council on October 11, 2004. A suit was filed in the Lancaster County Court on May 23, 2005. Litigation is **pending**.

Kim Roehrs-Lary filed a claim during the month of January, 2005, in the amount of \$100,000 for injury incurred when claimant allegedly fell in a hole located in alley behind Bethany Christian Church. A suit was filed in the Lancaster County District Court on September 7, 2005, naming the City of Lincoln and Bethany Christian Church as Defendants. Litigation is **pending**.

Cynthia Kopycinski filed a claim during the month of April, 2005, in an unspecified amount for alleged injury incurred when claimant was a passenger in a vehicle that was struck by a Lincoln police vehicle. This claim has been reviewed by this office and denial of this claim was approved by the City Council on August 29, 2005. A suit was filed in the Lancaster County Court on November 2, 2005. Litigation is **pending**.

Respectfully submitted,

James D. Faimon
Assistant City Attorney

JDF/skb
c: Risk Management